

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERIC ALBRITTON,

Plaintiff,

v.

CISCO SYSTEMS, INC., RICHARD
FRENKEL, MALLUN YEN and
JOHN NOH,

Defendants.

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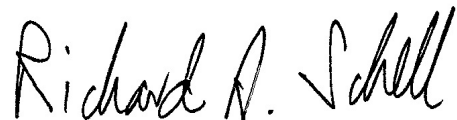
Case No. 6:08-CV-89

**ORDER DENYING DEFENDANTS' MOTION TO IMPANEL A
TWELVE PERSON JURY**

Pending before the court is the “Defendants’ Motion to Impanel a Twelve Person Jury” (docket entry #185). Having considered the Defendants’ motion and the Plaintiff’s response thereto (docket entry #222), the court finds that the motion should be denied.

The Defendants request that the court impanel a twelve person jury because the “Plaintiff’s action for defamation against Defendants invokes substantial constitutional protections, and such constitutional protections will be better preserved by impaneling twelve jurors to hear and decide this case.” It is the court’s practice to impanel fewer than twelve jurors in civil jury trials. The court is not persuaded by the Defendants’ arguments to depart from its standard practice. Accordingly, the “Defendants’ Motion to Impanel a Twelve Person Jury” (docket entry #185) is **DENIED**. The court will impanel a ten person jury in this case.

SIGNED this the 8th day of May, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE